

REMARKS

Re-examination and reconsideration of the subject matter identified in caption, pursuant to and consistent with 37 C.F.R. §1.116, and in light of the following remarks are respectfully requested.

Claims 1-10, 12-15, 17-21 and 23-42 remain pending in this application. Claims 19-21 and 23-39 stand withdrawn from consideration on the merits. Claims 40-43 have been allowed.

Claims 1, 3-10, 14, 15, 17 and 18 were finally rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,616,395 to Baravian et al in view of U.S. Reissue patent No. 33,023 to Hiers for the reasons set forth in paragraphs (3) and (6) of the Office Action. Reconsideration of this rejection is requested for at least the following reasons.

Claim 1 specifies that the layers of the laminate are needled together such that a portion of the synthetic fibers passes through the glass fiber layer and penetrates the opposite side of the layer. A review of Hiers '023 fails to show any disclosure of this feature. The Examiner refers to Figure 2 of Hiers '023. This Figure does not show any synthetic fibers penetrating the side of the glass fiber facing away from the synthetic nonwoven layer nor has the Examiner alleged that Hiers '023 does disclose this feature. The importance of this feature in attaining the benefits of the invention has been fully discussed in the last Amendment.

Applicants again point out that Baravian et al '395 provides no details concerning needling the layers together other than teaching that adhesive bonding is required and that needling may be used in addition to adhesive bonding. Even if

those of ordinary skill sought to employ needling to supplement adhesive bonding, there is nothing disclosed in Baravian et al '395 that would provide motivation to use the needling technique of Hiers '023 as opposed to any other needling technique available in the prior art.

With respect to claims 3, 7 and 8 which specify using at least two nonwoven layers of synthetic fibers, Applicants again point out that the invention of Baravian et al '395 resides in the production of a two-layered laminate as clearly evident from the Abstract, the specification and the claims. To modify the invention of Baravian et al '395 by adding an additional nonwoven synthetic layer to completely encase the glass fiber layer would be contrary to the intent of the reference and render the laminate flammable, i.e., unfit for its intended purpose. Applicants again refer to the discussion in Section 2143.02, M.P.E.P.

A proper rejection under 35 U.S.C. §103(a) requires a motivation to combine references which is clearly lacking here for reasons discussed above, and a reasonable expectation of success which also is lacking. Moreover, all limitations of the claims must be met and the combination of references, at a minimum, does not disclose or suggest the needling feature of the present claims.

For at least these reasons, the §103(a) rejection over Baravian et al '395 taken with Hiers '023 should be reconsidered and withdrawn. Such action is earnestly requested.

Claims 2, 12 and 13 were rejected under 35 U.S.C. §103(a) as unpatentable over Baravian et al '395 in view of Hiers '023 and further in view of U.S. Patent No. 5,171,629 to Heidel et al for reasons given in paragraph (4) of the Final Rejection. Reconsideration of this rejection is requested for at least the reasons which follow.

Heidel et al '629 does not supply the aforementioned deficiencies of the combined teachings of Baravian et al '395 and Hiers '023. There is no explicit disclosure in Baravian et al '395 of a glass fiber layer pre-consolidated with a resinous binder. There is no teaching in Baravian et al '395 which would provide motivation to use the pre-consolidated resin binders of Heidel et al '629 in the glass fiber layer as opposed to any other resin binders known in the art.

Moreover, even if the disclosures of all three references were combined, the resultant laminates would not possess all the features of the laminates claimed herein. For these reasons, the §103(a) rejection based on Baravian et al '395 in view of Hiers '023 and Heidel et al '629 should be withdrawn and such action is respectfully requested.

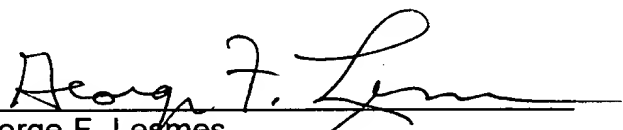
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at her earliest convenience.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By:


George F. Lesmes
Registration No. 19,995

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620